

REMARKS

Claims 1-4 and 19 are pending in this application. By this Amendment, claims 1 and 19 are amended.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 1-4 and 19 under 35 U.S.C. §103(a) over U.S. Patent No. 5,889,870 to Norris (Norris '870) in view of U.S. Patent No. 6,850,623 to Norris et al. (Norris '623). Applicant respectfully traverses the rejection.

Applicant maintains that the claims as amended by the July 7, 2006 Amendment are patentable over the applied references for the reasons argued in the July 7 Amendment and at the May 23 personal interview.

The Office Action, in the Response to Arguments section, essentially states that the rejections are proper because the claims fail to recite controlling the phase of a signal relative to another signal "for the purpose of controlling the directivity or focus of the hypersonic beam," as discussed at the May 23, 2006 personal interview. However, Applicant did not amend the claims to include this language because this language is not required for patentability. As argued in the July 7, 2006 Amendment, Norris ' 623 at best discloses a single phase calibration or adjustment during the setup of the system (col. 4, lines 21-44). A single phase calibration or adjustment, made at setup of the system, does not correspond to actively adjusting phases between signals as claimed.

Nevertheless, by this Amendment, claims 1 and 19 are amended to recite actively adjusting (or means for actively adjusting) the phase of the carrier signal and encoded sideband signal from a transducer relative to the phase of the carrier signal and encoded sideband signal transmitted by another of the transducers for the purpose of controlling the directivity or focus of a hypersonic beam produced by the signals.

The Office Action states that Examiners Kurr and Chin are in agreement that claims reciting this language would distinguish over the prior art of record (page 5, last two lines and page 6, first line).

Thus, Applicant requests entry of this Amendment and withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jonathan H. Backenstose
Registration No. 47,399

JAO:JHB/jgg

Date: December 4, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--